

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, )  
Plaintiff, )  
-vs- )  
ALFONSO ESCAMILLA-MENDOZA, )  
Defendant. )  
) NO. CR-11-6084-WFN-1  
) ORDER GRANTING DEFENDANT'S  
) MOTION TO DISMISS  
)  
UNITED STATES MARSHAL  
ACTION REQUIRED

A first pretrial conference and motion hearing was held July 9, 2012. The Defendant, who is in custody, was present and represented by James Egan and assisted by Court-appointed interpreter Estela Castro; Assistant United States Attorney Shawn Anderson represented the Government.

The Court addressed Defendant's Motion to Dismiss. Both parties agreed that Defendant was statutorily eligible for relief under § 212(c) when he appeared for his deportation hearing. After balancing the adverse factors evidencing Defendant's undesirability as a permanent resident with the social and humane considerations presented on his behalf, this Court concluded that Defendant has made a heightened showing that his case presented unusual or outstanding equities and that there were "plausible grounds for relief" for him under § 212(c). *United States v. Ramos*, 623 F.3d 672, 684 (9th Cir. 2010). Accordingly,

**IT IS ORDERED** that:

1. Defendant's Motion to Dismissed Indictment, filed June 7, 2012, ECF No. 24, is  
**GRANTED.**

1           2. The Indictment in this matter is **DISMISSED WITHOUT PREJUDICE.**

2           3. The United States Marshals Service shall **IMMEDIATELY RELEASE** their hold  
3 on the Defendant.

4           The District Court Executive is directed to file this Order and provide copies to counsel  
5 **AND TO** the United States Marshals Service.

6           **DATED** this 10th day of July, 2012.

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8  
9 07-09-12

s/ Wm. Fremming Nielsen  
WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE